



Report to The Governor:

Implementation of Executive Order D-19-01

February 8, 2001

Prepared for

Governor Gray Davis

Prepared by

**Governor's Office of Emergency Services
With the Cooperation of California Highway Patrol,
California Sheriffs and Police Representatives,
Technology Trade and Commerce Agency,
State Consumer Services Agency**

INTRODUCTION Purpose and Scope

This plan sets forth the policies and activities associated with implementing Executive Order D-19-01, dated January 17, 2001. This plan is statewide in scope and applicability.

Background

On January 17, 2001, Governor Davis proclaimed pursuant to the Emergency Services Act (Government Code Section 8625) a State of Emergency due to an electrical energy shortage. The Governor cited the need for extraordinary measures by government in order to address the extreme peril caused by the threat of imminent power outages and their probable impact on emergency services.

On February 1, the Governor issued Executive Order D-19-01 (hereafter referred to as the Order) stating, "substantial amounts of electricity are consumed through unnecessary outdoor lighting by retail establishments after business hours, including but not limited to, shopping centers, auto malls and dealerships." The Order requires retail business to substantially reduce unnecessary outdoor lighting wattage during non-business hours. The Order identifies broad responsibilities within the state government, giving Technology, Trade and Commerce Agency (TTCA) responsibility for public outreach activities with the support of the Governor's Office of Emergency Services (OES), and the law enforcement community to ensure that the Order is implemented and that health and safety of the public, employees, and property is maintained. The conservation measures under the Order become mandatory on March 15, 2001.

Prior to issuance of this Order, a number of Sheriffs, business leaders, and business associations agreed to support and endorse the Order.

Process and Participants

Consistent with the Order, OES conducted several planning meetings. These meetings included representatives of nine sheriffs departments; several local police departments; the California Highway Patrol, State and Consumer Services Agency; Technology, Trade and Commerce Agency (TTCA); the California Energy Commission; and the California District Attorney's Association. In addition, TTCA consulted with businesses and industry associations, which resulted in securing the support and endorsement of the Order from such businesses and industry associations as the California Independent Auto Dealers Association, California Association of Auto Brokers, California Motor Car Dealers Association, California Service Station and Automotive Repair Association, California Retailers Association, California Chamber of Commerce, California Grocers Association, Korean Grocers Association, California Business Properties Association, California Hotel and Motel Association, California Restaurant Association, California Manufacturers Technology Association, The Home Depot, Wal-Mart Stores, Inc., Kmart Corp., Target, Westfield America, and Donahue Schriber.

This plan should be reviewed every sixty (60) days to ensure appropriateness in relation to the status of the Order in coordination with actions and recommendations from stakeholders.

CONCEPT OF OPERATIONS

This plan will provide the means and assistance for businesses to reduce electricity usage in outdoor non-essential lighting. This will be accomplished through outreach and developing partnerships among businesses, the community, and law enforcement. In partnership with law enforcement, businesses will assist in defining the level of lighting consistent with safety requirements of the public, employees, and property. Egregious non-compliance will be addressed by law enforcement, if necessary and appropriate.

This program is based on a process of information, education and compliance. **PLANNING ASSUMPTIONS**

The following assumptions will govern implementation of this plan:

.Public, employee, and property safety will not be compromised. .Government facilities will serve as models.

.The focus of the effort shall be compliance through education and outreach.

.Many businesses have already taken action to reduce energy usage, including reduction in outdoor lighting energy usage.

.Business will, in consultation with local law enforcement, to determine the minimum outdoor lighting necessary at their location that is required to preserve the safety of persons and property. This will include the safety of employees who remain on the premises during non-business hours.

.To implement the Order, guidance will be necessary for business and law enforcement agencies to safely and efficiently reduce outdoor energy usage.

.The activities of this plan will be coordinated with the overarching conservation efforts of the state.

.It is not the intent of the Order to reduce illumination, only the energy used to produce the illumination.

.Enforcement of the sanctions included in the Order should only be initiated as a last resort, after clear warnings and other attempts to secure compliance.

.Actions taken in conjunction with this plan should focus on long-term conservation. **GUIDELINES**

The definitions listed here are only for clarification of this Executive Order.

"Non-business hours" means those hours a retail establishment is not open to the public for the conduct of business.

"Public safety" includes measures determined necessary by the business owner, with guidance from law enforcement, to protect the general public, employees, and their property consistent with: local, state, and federal laws (e.g., the Americans with Disability Act); insurance requirements; commonly accepted industry practices; and historical criminal activity in the area where the business is located.

"Retail establishment" means a business operated by an individual or entity that offers a product or service for sale to the general public.

"Substantial reduction" means a good faith effort to reduce the maximum amount of energy used for outdoor lighting. Depending on current lighting levels and equipment, business should target a reduction of 50% or more in energy consumption, but not more than necessary for safety of the public, employees and property .

"Unnecessary lighting" means that lighting which is primarily for marketing and decorative functions. This does not include any lighting that provides illumination for safety of the public, employees, and property .

GUIDANCE .. Ener~~ Reduction:

Energy conservation at all times is desirable and encouraged. Reduction of outdoor lighting is required only during non-business hours. Businesses are responsible for following industry standards for reducing energy usage in outdoor lighting. Businesses should work to achieve a 50% reduction in electrical power consumed by outdoor lighting. All unnecessary lighting should be eliminated during these non-business hours. Business groups may develop their own model energy conservation plans for their members. Also, businesses may use the recommended practices provided by Illuminating Engineering Society of North America, in particular the "Lighting for Exterior Environments" and the "Advance Lighting Guidance" being developed by the California Energy Commission.

The California Code of Regulations Title 24, Building Efficiency Standards, to be adopted this summer, will impact new exterior lighting installations that were not previously regulated.

Conservation Plan

Attachment A is a methodology developed by the California Energy Commission that can assist a business with assessing its outdoor lighting.

OUTREACH

To ensure that business and law enforcement have the information they need to comply with the Order, an integrated state and local government approach is required. This approach will need to support efforts already planned or initiated by the business community. The California Technology, Trade, and Commerce Agency, with the support of the Governor's Office of Emergency Services and the State and Consumer Services Agency, will implement a public education/communication campaign to assist local government in implementing the Order. The law enforcement community believes that the outreach efforts that are identified in this document, when implemented as part of a partnership between themselves and businesses, will result in the desired compliance.

Key Messages

Law enforcement throughout California is taking a "partnership" approach with businesses to implement the Order. The key message from law enforcement is "Working together to conserve energy safely." This message reinforces law enforcement's desire to ensure that lights are not indiscriminately turned off without first identifying potential impacts to the safety of the public, employees and property.

Other Messages

.Reducing use of energy can be accomplished without reducing lighting through use of improved technology.

.Reducing use of energy is an opportunity for small and large businesses to learn about and take efficient conservation actions.

.Partnering with law enforcement is a demonstration of social and corporate responsibility. .Energy efficiency programs are an investment for the long-term, and reduce costs.

Target Audiences

The outreach effort will include all Californians, but the target audiences for this effort will be: Retail

Establishments

Auto malls and dealerships

Grocers

Gas and service stations Superstores

Shopping malls and stand-alone shopping centers

Law Enforcement Personnel

Law enforcement will need adequate briefing and information to carry out the Order. Media

The media will be a vehicle throughout this effort to promote conservation. Methodologies

.Several approaches can be initiated by TTCA and law enforcement to provide outreach to retailers, including:

.Use existing relationships with businesses to deliver this program. This is an extension of the local Community Oriented Policing program, and should include local Chambers of Commerce, Community Based Organizations, and similar entities. Local needs, and the languages spoken in the community, should each be taken into account.

.Use of the Internet. Sheriff and Police Departments may create web pages with information for retailers. These pages can reference energy reduction measures and provide links to TCCA and other State Agencies. Through such web applications, a business can receive instant information on energy conservation measures and the requirements of this Order. The Orange County Sheriff's Department has developed a model, which they have agreed to provide other California law enforcement agencies to develop such a web application locally.

.Boards of Supervisors and City Councils may want to establish local award programs to recognize businesses that are nominated as models by local law enforcement agencies.

.Model Plan. Develop a short model business compliance plan, which can be adapted to a particular business and jurisdiction's needs.

.Bumper Stickers. Develop, print, and distribute bumper stickers with the campaign message printed on them that could be placed on all law enforcement vehicles statewide.

.TV /Radio. This could include paid as well as earned media. All message development and media placement for this effort could be done in conjunction with the Order.

.Energy Conservation Program Compliance Stickers/Signs. This would include development of multiple types of stickers to be placed on business windows.

.Fact Sheet. Develop templates that individual departments can use to promote the program goals.

.Awards/Recognition Program. Develop an awards program, possibly based on any of a number of existing efforts, to recognize those businesses that are working diligently to comply with the order.

.A model letter or memorandum from the Chief of Police or Sheriff could be developed and distributed to all personnel. To assist, the State will develop an Information Bulletin to outline the program and the information contained in this plan. Also, the State will initiate an outreach program to various law enforcement professional associations that should have an interest in this program. This could include the Crime Prevention Officer's Association and the California Association of Public Information Officials, as well as the California State Sheriffs Association, the California Police Chiefs Association, the California Peace Officer's Association, the California District Attorney's Association, and the Commission on Peace Officers Standards and Training.

COMPLIANCE Responsibilities

Retail Business Owners. Compliance with this Order is the responsibility of the individual business owner. After March 15, 2001, when the Order becomes mandatory, business owners are encouraged to have documentation available that indicates a good faith effort to reduce outdoor lighting energy consumption, consistent with the requirements of the Order. For example, consideration of the Exterior Lighting Energy Strategies, Attachment A; or some jurisdictions may provide a means to "file" this information online, via the Internet.

Law Enforcement Law enforcement agencies should work in partnership with businesses and community groups to ensure reductions in energy consumption consistent with requirements of the Order .

Process

The goal is to ensure reduction in electricity use and preserve public safety .Only in limited instances, where it is evident that a good faith effort has not been made to reduce energy consumption, will the steps listed below be initiated:

.Local government will provide additional guidance and information directly to the business, at their request, to assist them in complying with the Order .

.In the event a business remains non-compliant with this Order, local law enforcement agencies may elect to utilize an existing dispute resolution or administrative appeal process. Only in the most egregious cases will criminal enforcement be considered.

Attachment A

Exterior Lighting Energy Strategies Developed by California Energy Commission

These are provided as examples of measures that businesses may want to consider to maintain illumination necessary for the safety of the public, employees, and property , while reducing total electrical usage.

.Evaluate existing exterior lighting systems and identify non-critical lighting. Clearly label all switching devices to save time and help employees identify which lights should be shut- off at specific times.

.Use only energy efficient lamp technologies wherever possible. Energy efficient technologies include low-pressure sodium, high-pressure sodium, metal halide, mercury vapor, compact fluorescent and some electrodeless lamps. Avoid using incandescent or linear fluorescent lighting systems.

.Consider the height of the lighting fixture to ensure full utilization of the wattage used.

.Lower light levels. Abnormally bright lights can create glare and deep shadows, which can make seeing extremely difficult. Illumination ratios between areas should be minimal (e.g., less than 10: 1)

.Set specific outdoor lighting to automatically lower after the close of business to the public.

.Some security lighting can be activated with motion sensors so that lights come on only when someone is in the immediate area (consult with local law enforcement). However, do not use motion sensors on high intensity discharge (HID) lighting, low and high-pressure sodium, mercury vapor, or metal halide because of the required warm-up and relighting.

.Use timers to turn-off or reduce lighting after all employees have left the premises.

.Turn off display, advertising, and specialty lights after traffic hours (for example after mid- night).

.Locate outdoor lighting below tree canopies, not above. .In parking lots, use efficient and cutoff lighting fixtures. .In signage and retail, use color contrast to attract attention, rather than high levels of illumination.

Provide reflective surfaces for lettering or other elements that need to be illuminated at night and illuminate only the lettering, not the background. Attachment B

CALIFORNIA HIGHWAY PATROL

Executive Order D-19-01 Local Law Enforcement Assistance

Solving the energy crisis that is currently gripping California will require a cooperative effort among the public and private sectors and California citizens. A massive effort is now underway to encourage conservation at home, in government buildings, and with the Governor's Executive Order D-19-01, among California retail establishments. As part of the Executive Order, California law enforcement agencies have been tasked with ensuring that the message of conservation is delivered to California retailers and, when necessary, with enforcing the conservation requirements contained in the order.

In addition to ensuring safety and service on the state's highway system, the mission of the California Highway Patrol (CHP) is to provide assistance to local law enforcement when necessary. As part of the Governor's overall energy conservation plan the CHP prepared the following plan to enhance public safety along state highways within its jurisdiction, and to provide assistance to local law enforcement when necessary and if requested. These include, but are not limited to the following.

1. Public Safety -Enhancements focusing on expanded operational and/or increased deployment strategies-

.Increasing patrol time for Freeway Service Patrols (FSPs). Currently, external retail lighting often illuminates adjoining freeway segments, providing increased lighting for vehicles that may be forced to pull to the side of the roadway. With retail establishments decreasing their unnecessary outdoor lighting during non-business hours, these roadway segments may now face increased levels of darkness. FSPs will be extended to enhance the safety of stranded motorists during hours of darkness.

.Maximizing in-view patrol. Visibility of law enforcement units has a deterrent effect on criminal activity. Where necessary, commands will maximize in-view patrol during hours of darkness by having officers frequent pockets of retail businesses adjacent to freeway accesses.

.Utilization of solo officer patrol units. Generally, solo patrol units are discontinued after 10:00 p.m. when two-officer patrol units are utilized. In order to extend coverage and assistance as much as possible, solo officer units will be utilized until midnight as needed.

.Extend patrol hours per shift. In locations where reduced lighting is occurring, patrol hours may be extended as necessary to provide increased officer coverage.

.Air operations resources. During hours of darkness, available departmental aircraft may assist local law enforcement in identifying public safety concerns and identifying entities that may not be in compliance with this order.

.Mutual aid system. Local commands will continue to work within the existing Mutual Aid System to support local law enforcement in support of public safety, voluntary compliance and/or enforcement.

.Tracking system for energy-related incidents. A tracking system to code energy-related incidents will be used to address concerns related to reduced lighting as well as assist in maintaining voluntary compliance with the Governor's Executive Order.

2. Community Partnerships & Public Awareness -Activities to emphasize voluntary compliance.

.Energy conservation message. The Department will seek billboard space for placement of an energy conservation message during daylight hours.

.Emphasizing energy conservation compliance. The Department will assist the Technology Trade and Commerce Agency as well as other state and local agencies and the media in enlisting the support of the public in complying with this order and educating everyone that this is a true crisis and that we are all in this together. These efforts will include, but not be limited to:

.Including mailing inserts encouraging energy conservation in departmental mailings as appropriate, e.g., reports of vehicle storage, fee renewal notifications and requests for traffic collision reports.

.An article on energy conservation as well as messages on general traffic safety issues/trends will be prepared and distributed to trade publications of essential stakeholders, e.g., commercial transportation associations, insurance industry, and airlines-

.Energy conservation will be included in all departmental community outreach efforts, e.g., meetings of local government and civic organizations, industry presentations, and primary and secondary schools.

3. Enforcement- Activities relating to the CHP's role in the enforcement process.

.Local agency assistance. The Department will play a supporting role in enforcing this order by forwarding information to local law enforcement agencies and district attorney offices in accordance with local procedures.